

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

GUITI JIANG, et al.,

Defendants.

Case No. 1:23-cv-00205-SAB

ORDER GRANTING EXTENSION OF
TIME TO COMPLETE SERVICE AND
CONTINUING SCHEDULING
CONFERENCE

(ECF Nos. 3, 8, 9)

Plaintiff Jose Escobedo (“Plaintiff”) initiated this litigation pursuant to the Americans with Disabilities Act on February 10, 2023. (ECF No. 1.) Defendants Guiti Jiang and Zhu Yi Liu answered the complaint on April 10, 2023. (ECF No. 7.) Defendants Augustine Keng-Hou Wu and Wah Wong Wu, Trustees of the Wu Family Living Trust, have not appeared in this action. The initial scheduling conference is currently set for May 25, 2023. (ECF No. 3.)

On May 8, 2023, the Court issued an order requiring Plaintiff to file a status report on service and readiness for the scheduling conference. (ECF No. 8.) On May 11, 2023, Plaintiff filed a status report, in which he requested to continue the scheduling conference and to extend the service deadline, the latter of which the Court construes as a motion for an extension of time to complete service under Federal Rule of Civil Procedure 4(m). (ECF No. 9.)

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action

1 without prejudice against that defendant or order that service be made within a specified time.”
2 Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend
3 the time for service for an appropriate period.” Id.

4 Here, Plaintiff proffers he has identified a likely residential address for the Wu
5 Defendants (who Plaintiff alleges are the landlords of the property that is the subject of
6 Plaintiff’s ADA action) through review of deed records and the Lexis Advance public records
7 database, but has been unsuccessful in serving these Defendants at the identified address. (ECF
8 No. 9 at 2.) Plaintiff has also contacted the attorney who represented the Wu Defendants in a
9 prior litigation filed in this District (but who no longer represents them), as well as counsel for
10 Defendants Jiang and Liu, in order to ascertain an alternative address at which to serve the Wu
11 Defendants; however, Plaintiff was not able to ascertain an alternative address. (Id.) Plaintiff
12 proffers that if further attempts to serve the Wu Defendants are unsuccessful, he will turn to a
13 skip trace and stake-out, and may bring a motion to serve the Wu Defendants by publication.
14 (Id. at 3.) The Court finds good cause to extend the deadline to effectuate service, and will
15 continue the mandatory scheduling conference to accommodate the extension. Fed. R. Civ. P.
16 4(m); Fed. R. Civ. P. 16(b).

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff’s request for administrative relief from service deadline (ECF No. 9),
19 construed as a motion for an extension of time to complete service pursuant to
20 Fed. R. Civ. P. 4(m) is GRANTED;
- 21 2. The deadline for Plaintiff to complete service on the Wu Defendants shall be
22 extended to **July 10, 2023**;
- 23 3. The scheduling conference currently set for May 25, 2023, is CONTINUED to
24 **August 11, 2023, at 10:30 a.m. in Courtroom 9**; and

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- 1 4. The parties shall file a joint scheduling report **seven (7) days** prior to the
2 scheduling conference.

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4 IT IS SO ORDERED.

5 Dated: **May 11, 2023**


UNITED STATES MAGISTRATE JUDGE